

STATEMENT OF DOUG ELLIOTT

My name is Douglas Elliott.

I am the partner in the law firm of Roy, Elliott, O'Connor.

Our firm is widely recognized for its expertise in the field of class actions.

I was involved in the Hepatitis C Class Action Settlement and the Hislop Class Action, both very large cases against governments. One was settled out of court and one went to trial where we were successful.

More importantly, I grew up in Elliot Lake.

This is my hometown and like any Elliot Lakers, I was shocked but not surprised by the collapse of the Algo Centre Mall roof.

In my opinion, this was a preventable tragedy in my opinion. There were plenty of warnings that trouble was coming.

We have launched a thirty million dollar Class Action Suit against several Defendants, including the owner of the mall, which is a Corporation, Eastwood Mall Corporation. The controlling mind of that Corporation is Mr. Robert Nazarian and he has been named personally because Mr. Nazarian was aware of the problems with the roof and was in a position to correct them and did not do so effectively.

We have also notified the province of Ontario that we will claim against them. The Ministry of Labour had been in to inspect the site several times because it posed a threat to the people working in the mall area. It is our claim that the work done by the Ministry of Labour was ineffective. Indeed the results speak for themselves. We believe if they had been more diligent, two people would not have died, and more than 20 other people would not have injured.

Under the law we are required to give the province notice of the lawsuit, and intend to add the province once the period expires.

The city of Elliot Lake is also named because of their role in inspecting buildings and its powers to require remedial action with respect to the conditions in the mall.

Once again the city was aware of the difficulties in the mall, and did not take effective action to prevent the collapse.

We have also named an engineering company in the Notice of Action that was filed this morning, however, we do not know the real name of this engineering company.

We are told that there was an engineering company who provided a report in the last year that said that the roof was in sound condition. We believe that the conditions that lead to the collapse had been present for a considerable amount of time, and that careful engineering inspection ought to have revealed the imminent danger of collapse that was present.

Like all Elliot Lakers, I was and still am heartsick. My brother was going through the rubble trying to save lives. What could I do to help? Then I got the call from Jeff Broadbent, from the law firm Feifel, Broadbent, Gualazzi

Litigation is always a difficult process for people but it is one way of securing justice for those who have been injured as a result of the carelessness of others.

In this case we believe that there were plenty of warnings about problems with the roof.

One may not have been able to predict where the roof would collapse and when it would collapse, but the fact that it was in poor condition and needed corrective action, should have been apparent to those in a position to take action.

This was a preventable tragedy.

It has been very painful to listen to the personal tragedies this has caused.

I believe that while this has been a terrible situation for the people of Elliot Lake, there are opportunities now to help the citizens of Elliot Lake get back on their feet.

I am calling on Premier McGuinty to sit down with us to negotiate a voluntary compensation scheme for the people of Elliot Lake, much as we did in the case of the people who got Hepatitis C from bad blood.

The people of Elliot Lake should not have to wait years for this case to make it's way through the courts, they should get compensation now. The province can then look to others who have been careless and may be in a position to contribute, and get reimbursed by them later.

The Ontario government is in a position to do the right thing and to set up a compensation scheme in the coming weeks and months that will look after the people affected, the businesses, the people who have died, the people who have been injured, the people who have been psychologically traumatized and the employees who have been out of work.

Let's do the right thing for the people of Elliot Lake.